

**BOARD OF COUNTY COMMISSIONERS
JULY 13, 2021
PLANNING CASE #PLN21-003: FINAL PLAT TO SUBDIVIDE LOT 16, BLUE RIDGE
AMENDED SUB., 1.13 ACRES, ZONED R2
NEW BUSINESS**

PROJECT INFORMATION:

Location: 1009 American Way, Peak 7, Breckenridge

Request: A Final Plat application to subdivide a 1.13 acre lot into two lots: Lot 16, Blue Ridge Amended Sub., 1.13 acres, zoned R2.

ISSUES:

None

UPPER BLUE BASIN PLANNING COMMISSION RECOMMENDATION:

The Upper Blue Planning Commission does not review final plat proposals.

RESOLUTION STATUS

Proposed resolution attached

STAFF RECOMMENDATION:

Approval with 7 findings and 1 condition.

ATTACHMENTS

1. Vicinity Map
2. Existing Conditions Survey
3. Proposed Plat
4. Draft Resolution



STAFF REPORT

TO: Board of County Commissioners

FROM: Sid Rivers, Planner II

FOR: Meeting of July 13, 2021

SUBJECT: PLN21-003: Final Plat to subdivide Lot 16, Blue Ridge Amended Sub., 1.13 acres, zoned R2.

APPLICANT: Christie Mathews Leidal, AICP

OWNER: 1009 American Way LLC

REQUEST: A Final Plat application to subdivide a 1.13 acre lot into two lots: Lot 16, Blue Ridge Amended Sub., 1.13 acres, zoned R2.

PROJECT DESCRIPTION

Location: 1009 American Way, Peak 7, Breckenridge

Legal Description: Lot 16, Blue Ridge Amended Subdivision

Existing Zoning: R-2

Proposed Use: Single-Family Residential

Other Uses: None

Total site area:

Existing: 1.13 acres:

Proposed: Lot 16A = .633 acres, Lot 16B = .50 acres

Adjacent land uses:

Northwest: American Way

Northeast: Lot 15, Blue Ridge Amended Sub., Zoned R-2

Southeast: Parcels A, B, C, D, Ridge Crest Sub., Zoned R-2

Southwest: Lot 8A, Shadows North Amended Sub., Resub Lot 8, Zoned R-2

DEVELOPMENT REQUIREMENTS

	<u>Existing</u>	<u>Proposed (Minimum R-2 = 20,000 s.f.)</u>
Density:	1 lot	2 lots
Lot size:	1.13 acres (49,369 s.f)	0.633 acres (27,589 s.f.) & 0.50 acres (21,780 s.f.)

BACKGROUND:

The Upper Blue Planning Commission reviewed the preliminary plat application, PLN21-002, at a public hearing held on June 24, 2021 and recommended approval to the BOCC. This application for Final Plat is being run concurrently with the request for Preliminary Plat.

The subject site is Lot 16, Blue Ridge Amended Subdivision, zoned R-2. Summit County adopted zoning regulations on June 2, 1969. The original Blue Ridge plat was recorded October 14, 1968 at Reception number 111128. The amended plat for Blue Ridge Amended Subdivision was recorded on December 19, 1969 at Reception number 114673. Lots 10, 11, 12, 13, 14, 15, and 16 of the original Blue Ridge plat were unchanged with the Blue Ridge Amended plat. These lots were all in excess of 1 acre in size when originally platted in 1968, prior to the establishment of the R-2 zone district.

The size of Lot 16, Blue Ridge Amended Subdivision as platted is 1.14 acres. Per the surveys submitted for this application Lot 16, Blue Ridge Amended Sub. is 1.13 acres in size (49,369 square feet).

The applicant proposes to subdivide Lot 16, Blue Ridge Amended into two lots: Lot 16A will be 0.633 acres/ 27,589 s.f. in size, and Lot 16B will be 0.50 acres/ 21,780 s.f. in size.

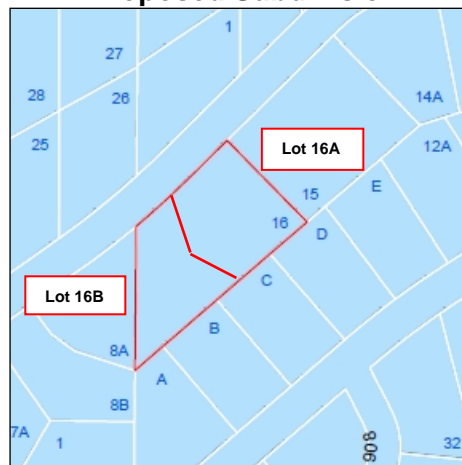
Subject Lot: Lot 16, Blue Ridge Amended

Zoning: R-2



A single family residence is located on the proposed Lot 16A portion of the property. This property has an approved accessory apartment located above a detached garage (PLN17-119). Additionally, the single-family residence has an approved Short Term Rental permit (BCA-101099).

Proposed Subdivision:



CRITERIA FOR DECISION

Section 8302.01 of the Summit County Land Use and Development Code ("Code") states that the following criteria must be met to approve a Final Plat:

- A. The proposed final plat is consistent with the approved preliminary plat and the applicant has complied with all conditions of preliminary plat approval.
- B. The applicant has provided definitive evidence that provisions have been made for a water supply that is sufficient in terms of quantity, quality and dependability to provide an appropriate supply of water for the type of subdivision proposed.
- C. The applicant has provided definitive evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system, and if onsite sewage disposal is proposed, results from percolation tests and profile holes have been provided which demonstrate that sewage disposal systems would comply with state and local laws and regulations in effect at the time of submission of the preliminary plat.
- D. The proposed final plat complies with the County's Subdivision Regulations and standards.
- E. The applicant has provided certification from the County Treasurer's Office that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
- F. The plat map is drawn in accordance with standards in the County's Subdivision Regulations (Chapter 8) and is suitable for recordation.
- G. No change has occurred which would result in an inability to make the findings required for approval of preliminary plats. Adequate provision has been made for water supply, sewage disposal, utilities and access for the subdivision in accordance with these regulations (Chapter 8) and Colorado State Law.

CRITERION A: THE PROPOSED FINAL PLAT IS CONSISTENT WITH THE APPROVED PRELIMINARY PLAT AND THE APPLICANT HAS COMPLIED WITH ALL CONDITIONS OF PRELIMINARY PLAT APPROVAL

The proposed Final Plat is identical to the Preliminary Plat. The condition of approval for the Preliminary Plat application that pertains to Final Plat are:

1. Prior to recordation of Final Plat, the applicant shall pay the Public Use Area Fee of \$1,500.

As there were no specific conditions only applicable to the Preliminary Plat approval and the application for Final plat is identical, this criterion is satisfied.

CRITERION B: THE APPLICANT HAS PROVIDED DEFINITIVE EVIDENCE THAT PROVISIONS HAVE BEEN MADE FOR A WATER SUPPLY THAT IS SUFFICIENT IN TERMS OF QUANTITY, QUALITY AND DEPENDABILITY TO PROVIDE AN APPROPRIATE SUPPLY OF WATER FOR THE TYPE OF SUBDIVISION PROPOSED

Water will be provided by the Town of Breckenridge. The applicant has submitted a letter from the Town stating that they will serve the newly created lot. The existing home is already connected to water provided by the Town.

CRITERION C: THE APPLICANT HAS PROVIDED DEFINITIVE EVIDENCE TO ESTABLISH THAT, IF A PUBLIC SEWAGE DISPOSAL SYSTEM IS PROPOSED, PROVISION HAS BEEN MADE FOR SUCH SYSTEM, AND IF ONSITE SEWAGE DISPOSAL IS PROPOSED,

RESULTS FROM PERCOLATION TESTS AND PROFILE HOLES HAVE BEEN PROVIDED WHICH DEMONSTRATE THAT SEWAGE DISPOSAL SYSTEMS WOULD COMPLY WITH STATE AND LOCAL LAWS AND REGULATIONS IN EFFECT AT THE TIME OF SUBMISSION OF THE PRELIMINARY PLAT.

Sewer services for this subdivision will be provided by the Upper Blue Sanitation District. The applicant has submitted a letter from the District stating that they will serve the newly created lot. The existing home on proposed Lot 16A is already connected to the sewer line operated by the Sanitation District. When building or grading permits are issued for Lot 16B, the new residence will be required to connect to sewer.

CRITERION D: THE PROPOSED FINAL PLAT COMPLIES WITH THE COUNTY'S SUBDIVISION REGULATIONS AND STANDARDS

Fire Protection

The Red, White, and Blue Fire Department has indicated that they have no concerns or comments for this proposed subdivision.

Wildfire Hazzard

The Colorado State Forest Service commented that the wildfire hazard risk for this site is low. The fuel loads present are low to moderate for the new lot. If the new lot uses defensible space practices, the risk can be reduced to low.

Geologic Hazzard

The Colorado Geologic Survey ("CGS") commented upon the proposed application. CGS indicated that they had no comments or concerns, and that here are no steep slopes, flood hazards, or geologic hazards present on the subject property.

Access

Both lots access from American Way. The driveway to Lot 16A is existing and meets the County requirements for construction. The driveway to Lot 16B will be shared access with Lot 16A and fully constructed when a building permit for a new single family residence is obtained. The County Engineer has commented that the new driveway for Lot 16B will be required to meet all County standards for driveway construction. An access easement for Lot 16A has been designated on the proposed plat along Lot 16B where it fronts American Way.

Open Space and Trails/Public Use Area Fee (PUAF)

The County Open Space and Trails Department has reviewed this application and has commented that there are no known or significant trails on the property.

Public Use Area Fees are triggered at the time of new development. Per Section 3509 of the Code, the establishment of a new residential lot triggers a fee of \$1,500.

Should this application be approved, a condition has been added that prior to recordation of final plat, the applicant pay the Public Use Area Fee of \$1,500.

Lot and Block Design Criteria

This application conforms to Section 8154 of the Code regarding the platting of new lots. Among other requirements, each lot will contain street frontage in excess of 50', the minimum required by the Code. Lot 16B as proposed will have 85' of frontage along American Way.

Water/ Wastewater/ Utilities

The Upper Blue Sanitation District, Breckenridge water, and Xcel Energy have all provided letters indicating that services can be provided to the new lot.

CRITERION E: THE APPLICANT HAS PROVIDED CERTIFICATION FROM THE COUNTY TREASURER'S OFFICE THAT ALL AD VALOREM TAXES APPLICABLE TO THE PROPOSED SUBDIVISION, FOR YEARS PRIOR TO THE YEAR IN WHICH APPROVAL IS UNDER CONSIDERATION, HAVE BEEN PAID.

All taxes for the subject property have been paid in full.

CRITERION F: THE PLAT MAP IS DRAWN IN ACCORDANCE WITH STANDARDS IN THE COUNTY'S SUBDIVISION REGULATIONS (CHAPTER 8) AND IS SUITABLE FOR RECORDATION

The plat has been reviewed by the County Surveyor and is consistent with all regulations for subdivision and is suitable for recordation.

CRITERION G: NO CHANGE HAS OCCURRED WHICH WOULD RESULT IN AN INABILITY TO MAKE THE FINDINGS REQUIRED FOR APPROVAL OF PRELIMINARY PLATS. ADEQUATE PROVISION HAS BEEN MADE FOR WATER SUPPLY, SEWAGE DISPOSAL, UTILITIES AND ACCESS FOR THE SUBDIVISION IN ACCORDANCE WITH THESE REGULATIONS (CHAPTER 8) AND COLORADO STATE LAW.

This application for Final Plat is unchanged from the application for Preliminary Plat as the two applications are being run concurrently. Adequate provisions have been made for water, sewer, and access.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN21-003, a Final Plat application to subdivide a 1.13 acre lot into two lots: Lot 16, Blue Ridge Amended Sub., 1.13 acres, zoned R2, with the following findings and conditions:

Findings:

1. The proposed Final Plat is consistent with the approved Preliminary Plat. The condition requiring payment of the Public Use Area Fee prior to recordation of the plat has been added to the Final Plat conditions.
2. There is definitive evidence that provisions for a water supply have been made since that the Town of Breckenridge already serves the existing home on proposed Lot 16A, and the applicant has submitted documentation confirming the Town will serve the newly created lot.
3. The applicant has provided definitive evidence that the Upper Blue Sanitation District will serve the subdivision.
4. The proposed subdivision is consistent with the Subdivision Regulations applicable to the subject property including provisions for water/sewer services, access to the County road system, and fire protection.

5. All ad valorem taxes have been paid in full.
6. The plat map is drawn in conformance with the standards for Subdivision and all other applicable standards contained in Chapter 8 of the Land Use and Development Code.
7. No change has occurred which would result in an inability to make the findings required for approval of Preliminary Plat. Adequate provisions have been made for water, sewer, utilities, and access to the subdivision.

Condition:

1. Prior to recordation of Final Plat, the applicant shall pay the Public Use Area Fee of \$1,500.